

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DONALD WAYNE WEAVER, JR.,
Plaintiff,
v.
GONZALES, *et al.*,
Defendants.

No. 1:23-cv-01315 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES

(Doc. 7)

Donald Wayne Weaver, Jr. seeks to hold the defendants, two correctional officers at Valley State Prison, liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. (*See generally* Doc. 1.) On September 6, 2023, the assigned magistrate judge found Plaintiff failed to exhaust available administrative remedies prior to filing this action, as required by the Prison Litigation Reform Act. (Doc. 7 at 2-3.) Therefore, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections must be filed fourteen days of service. (Doc. 7 at 3.) The Court also informed him that the “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No objections were filed, and the deadline to do so has expired.

According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the

1 case. Having carefully reviewed the entire file, the Court concludes the magistrate judge's
2 Findings and Recommendations are supported by the record and by proper analysis. Thus, the
3 Court **ORDERS**:

- 4 1. The findings and recommendations issued on September 6, 2023 (Doc. 7) are
5 **ADOPTED** in full.
- 6 2. This action is **DISMISSED** without prejudice.
- 7 3. The Clerk of Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **October 11, 2023**


UNITED STATES DISTRICT JUDGE